

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Josh L. Anderson
plaintiff,

v.

CIVIL ACTION NO. 04-135 Erie

Larry E. Kopko, et al.
defendants.

PLAINTIFF'S REQUEST FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Plaintiff, Josh L. Anderson respectfully submits the following Request for Leave to File Second Amended Complaint pursuant to **Rule 15 (c)(2) and 15 (c)(3)** of the **FEDERAL RULES OF CIVIL PROCEDURE**.

1. Plaintiff initiated this action on May 19, 2004 by filing with the clerk an approved Pro Se packet that was supplied by the clerk.

2. On June 24, 2004 plaintiff again filed with the clerk an Amended Complaint entitled "Complaint" in an attempt to provide facts in a manner easiest to read and understand.

3. Plaintiff asserted a claim against Katie L. Avenali, a Deputy Sheriff/Correctional Officer of Warren County pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983 (section 1983), and the Cruel and Unusual Punishment Clause of the United States Constitution.

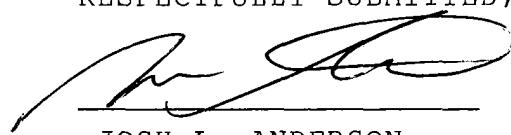
4. Since the filing of plaintiff's First Amended Complaint defendants' surname has changed Avenali to Smith as a result of marriage.

5. Plaintiff contends that Second Amended Complaint will properly assert facts in a manner that is easy to read and comprehend.

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MAY 22 2006
U.S. DISTRICT COURT
CLERK'S OFFICE
PA

WHEREFORE, Plaintiff Josh L. Anderson respectfully asks this court to grant leave to file second amended complaint.

RESPECTFULLY SUBMITTED,



JOSH L. ANDERSON

FW-6915

1 Kelley Drive

Coal Township, PA 17866

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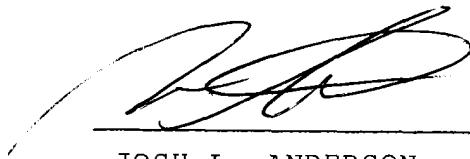
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 17th. day of May, 2006, a copy of the within document was sent to all counsel and parties of record by way of First Class U.S. Mail.



JOSH L. ANDERSON